



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/706,418 : Confirmation No.: 6797  
Applicant : Rabasco, et al  
Filed : November 11, 2003  
For : Vinyl Acetate-Ethylene Carpet Backings Having Spill Resistance

Art Unit : 1771  
Examiner : Lynda Salvatore  
Docket No. : 06426 USA  
Customer No. : 23543

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

<b>CERTIFICATE OF MAILING</b>	
I CERTIFY THAT THIS PAPER (ALONG WITH ANY PAPER REFERRED TO AS BEING ATTACHED OR ENCLOSED) IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE WITH SUFFICIENT POSTAGE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO:	
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DECLARATION UNDER 37 CFR 1.132

Dr. Richard H. Bott

The declarant hereby states the following:

1. that he has a Doctorate in the field of Chemistry;
2. that he is employed by the assignee in the above application, i.e., Air Products Polymers, L.P. as a research chemist heading the Polymers Emulsion Product Research and Engineered Fabrics Applications Development and Technical Service Groups.
3. that his field of endeavor within the Product Research Group of Air Products Polymers, L.P. resides, *inter alia*, in the development of polymer emulsions for various uses including pressure sensitive adhesives, laminating adhesives, nonwoven binders, and coatings;

4. that he has considerable experience in the design and development of vinyl acetate based emulsions, including vinyl acetate/ethylene emulsions, for various uses including the above recited applications;
5. that he is a coinventor of the subject matter described in Daniels, et al US 6,319,978 pertaining to "Water Borne Pressure Sensitive Vinyl Acetate/Ethylene Adhesive Compositions" cited as a basis for the rejection of all claims in the above identified application;
6. that he is a coinventor of copending applications No 10/620,654 (US 2005/0014013) and No 10/378,996 (US 2004/0175589 cited by the Examiner in an Office Action pertaining to the above-identified application;
7. that he is familiar with the work of Dr. Rabasco, a coinventor in the above-identified application, regarding vinyl acetate/ethylene polymers wherein a significant portion of the ethylene is in crystalline form and the polymers have a thermal melting point of from 35 to 110 °C measured at a heat rate of 20 °C per minute and, a tensile storage modulus of at least  $1 \times 10^5$  dynes/cm<sup>2</sup> at a temperature of 115 °C and measured at 6.28 rad/sec;
8. that he has read the above-identified application and the Office Action of October 4, 2005;
9. that he understands that the Examiner in the Office Action of October 4, has rejected all claims in the above-identified application over the Daniels, et al '978 reference of which he is a coinventor based upon the disclosure at col. 16, lines 59 to col. 17, line 5 which suggested, inter alia, that low levels of crystalline regions were present in the materials described in Examples 1-8;
10. that he understands the Examiner's position with regard to the crystalline melting point it is reasonable to presume that the claimed range is inherent to the ethylene by Daniels, et al;

11. that he states that the vinyl acetate/ethylene emulsions described in the '978 reference, including those described in the comparative examples, are unlike those described in the above-identified application because the none of the discloses polymers have a thermal melting point above 35 °C;
12. that he states that the crystalline regions described in '978 melt at a temperature well below the thermal melt temperature of 35 °C required by the polymers described in the above-identified application;
13. that he states Example 20 in the copending application (2004/0175589) cited by the Examiner at page 15, [0119] and [00120] provides a comparison of the Daniels, et al pressure sensitive adhesive polymers showing that the thermal melting point of those polymers is well below 35 °C required by Applicants' claims;
14. that he states that Example 20 shows a thermal melting point of -2.5 °C for a representative pressure sensitive adhesive described by Daniels, et al '978;
15. that he states that the vinyl acetate/ethylene polymers described in '978 as pressure sensitive adhesives are tacky to the touch and the polymers described in the above-identified application are not tacky to the touch as evidenced by the fact that they are nonblocking at room temperature (2004/01775589, page 2 [0021]) which property is the antithesis of the property of a pressure sensitive adhesive; and,
16. that in conclusion, the vinyl acetate/ethylene polymers set forth in the above-identified application having the claimed properties, inter alia, a thermal melting point of from 35 to 110 °C measured at a heat rate of 20 °C per minute and, a tensile storage modulus of at least  $1 \times 10^5$  dynes/cm<sup>2</sup> at a temperature of 115 °C and measured at 6.28 rad/sec are not inherent in the Daniels, et al '973 patent as suggested by the Examiner.

That all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.



Richard H. Bott

Title: Research Associate

Date 19 Dec 2005